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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,218	10/22/2003	Phillip John Megli	61917-013000	8338

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John G. Bisbikis
Suite 4400
227 West Monroe Street
Chicago, IL 60606

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,218	Applicant(s) MEGLI, PHILLIP JOHN	
	Examiner Christopher J. Novosad	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,9,10 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,4-8,11,12,14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/01/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 9, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Feller '562.

With respect to claim 1, Feller '562 shows a leveling system 10 (Figs. 1 and 2) for a reversing assembly comprising:

- a lift arm assembly 12;

- a pair of attachment members 15 attached at a first end (unnumbered) of each attachment member to the lift arm assembly 12;

- a leveling carriage 14 directly attached to a second end (unnumbered) of each attachment member 15;

- a reversing table (A-frame member, unnumbered, below 14 and attached to member 20) rotatably attached to the leveling carriage 14 via pivot 18; and

- a frame 20 directly rotatably attached to the reversing table table (A-frame member, unnumbered, below 14 and attached to member 20 via pivots, unnumbered or 21, respectively) and separately indirectly rotatably attached to the leveling carriage 14.

Regarding claim 9, Feller '562 shows a leveling system 10 (Figs. 1 and 2) for an attachment 10 (Figs. 1 and 2) mounted to a vehicle (col. 2, line 7) comprising:

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a frame assembly 20 directly or 16 indirectly rotatably mounted to the vehicle (col. 2, line 7);

a lift arm assembly 12 indirectly rotatably mounted to the vehicle (col. 2, line 7);

a reversing table (A-frame member, unnumbered, below 14 and attached to member 20) rotatably attached to the frame assembly 20 at a first hinge point (unnumbered);

a leveling carriage 14 rotatably attached via 18 to the reversing table (A-frame member, unnumbered, below 14 and attached to member 20) and separately rotatably attached (via 21 or pivot, unnumbered) to the frame assembly 16 or 20, respectively;

means 15 for securing the lift arm assembly 12 directly to the leveling carriage 14; and

a pair (18 and plate, unnumbered, under 18) of connecting means for securing the leveling carriage 14 to the reversing table (A-frame member, unnumbered, below 14 and attached to member 20).

As to claim 10, the lift arm assembly 12 is located above the frame assembly 20 or 16.

With respect to claim 13, the distance (unnumbered) between the first hinge point (unnumbered) and the axis (unnumbered) of rotation between the leveling carriage 14 and the frame assembly 20 or 16 is equal to the distance (unnumbered) between the axes (unnumbered) of rotation along the leveling carriage 14 and the reversing table (A-frame member, unnumbered, below 14 and attached to member 20) as defined by each of the pair (18 and plate, unnumbered, under 18) of connecting means for securing the leveling carriage 14 to the reversing table (A-frame member, unnumbered, below 14 and attached to member 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feller '562 in view of Chambers '781.

Feller '562 shows the leveling system as noted.

Claim 3 distinguishes over Feller '562 in requiring actuator means to be present for adjusting the angle of the reversing table with respect to the frame.

Chambers '781 shows actuator means 52 for adjusting the angle of a reversing table 28 with respect to the frame 29.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the actuator means 52 of Chambers '781 for adjusting the angle of the reversing table (A-frame member, unnumbered, below 14 and attached to member 20) of Feller '562 with respect to the frame 20 of Feller '562 for ease of use.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

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Allowable Subject Matter

Claims 2, 4-8, 11, 12, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

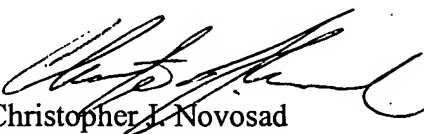
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
Art Unit 3671

January 11, 2005